



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, बुधवार, 2 जनवरी, 2008 / 12 पौष, 1929

हिमाचल प्रदेश सरकार

HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001

NOTIFICATIONS

1st December, 2007

No. HHC.Admn.3 (50)/74-I.— 5 days earned leave on and with effect from 3.12.2006 to 7.12.2006 with permission to affix Sundays and second Saturday falling on 2nd, 8th and 9th December, 2007 is hereby sanctioned, in favour of Shri Saran Thakur, Assistant Registrar of this Registry.

Certified that Shri Saran Thakur is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Saran Thakur would have continued to officiate the same post of Assistant Registrar but for his proceeding on leave.

15th December, 2007

No. HHC/Admn.3(120/78-I).— 15 days earned leave on and with effect from 17.12.2007 to 31.12.2007 with permission to prefix Sunday falling on 16.12.2007 is hereby sanctioned in favour of Sh. K.L.Rawat, Court Secretary of this Registry.

Certified that Sh. K.L.Rawat is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Sh. K.L.Rawat would have continued to hold the same post of Court Secretary but for his proceeding on leave.

6th December, 2007

No. HHC/Admn.3(330/92-I).— 6 days earned leave on and with effect from 10.12.2007 to 15.12.2007 with permission to affix holidays falling on 8th, 9th and 16th December, 2007 is hereby sanctioned in favour of Sh. Gopalacharya Gautam, Secretary of this Registry.

Certified that Sh. Gopalacharya Gautam is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Sh. Gopalacharya Gautam would have continued to officiate the same post of Secretary but for his proceeding on leave.

By order,
Sd/-
Registrar General.

IN THE COURT OF COLLECTOR-CUM-DY.CONSERVATOR OF FORESTS,
WILDLIFE DIVISION SHIMLA.

Case No1/2000
Date of institution:22/9/2003
Date of Decision: 22/12/2007

In ref: State of H.P.

Versus

Shri Sanjay Kumar S/O Shri Tilak Raj, Near Bus Stand Chail, P.O. Janedghat, Tehsil, Kandaghagt Distt. Solan, H.P.

In the matter of: Encroachment upon Govt. land.

CASE UNDER SECTION 4 OF HP PUBLIC PERMISES AND LAND (EVICTION AND RENT RECOVERY) ACT, 1971.

ORDER

The State of Himachal Pradesh through Range Forest Officer, Wildlife Range Chail challaned a case against Shri Sanjay Kumar S/O Shri Tilak Raj, Near Bus Stand Chail, P.O. Janedghat Tehsil Kandaghat Distt. Solan, H.P. that alleging that the respondent has raised

unauthorized construction by way of encroachment on Khasra No. 108 measuring 0.00.210 ha. situated in R-18 Sakori, Wildlife Range Sanctuary, Chail, Distt. Solan, H.P. before this Court on 29/4/2000. The case was decided by this Court on 2/5/2002. The respondent filed an appeal under section 9 of the H.P. Public Premises and Land (Eviction and Rent Recovery) Act. against the order of this Court before the Hon'ble Court of Shri C.P. Pandey, Commissioner(Revenue), H.P. Shimla on 21/5/2002 who decided the same on 21/2/2003 with the remarks that:-

“The land has been got demarcated by the Tehsildar-cum-Assistant Settlement Officer, who is the competent authority to give demarcation in this case. His report is on the record. However, he has not been examined as a witness. The state has produced two witnesses Shri Ved Parkash and Shri Krishan Singh, Deputy Ranger. The statements of these witnesses were recorded on 6/3/2002. The order sheet dated 6/3/2002 mentions that the present appellant was present on 6/3/2002. However, there is no mention about recording of the statements in the order sheet. It is not clear whether the appellant was granted any opportunity to cross examine these witnesses. Hence, the statements of these witnesses are of no value. Keeping in view these facts, the impugned order is quashed. The cases is remanded to the learned Collector-cum-DFO., Wildlife Shimla with the direction that the case may be decided afresh.”

Keeping in view the order passed by Ld Court of Commissioner (Revenue), H.P. Shimla that order sheet does not speak about the cross examination of the witnesses and providing opportunity to the respondent for cross examination of the PWs through his Ld. Advocate, this Court has trialed the case afresh on the basis of the challan submitted by the Range Officer, Wildlife Range Chail as well as the copies of revenue papers, & demarcation report conducted by Shri Charan Dass Vali, Tehsildar-cum-ASO Forest Settlement, Solan & Sirmour, Solan, HP and his subordinate staff, and a notice under sub-section (1) of Section 4 of the H.P. Public Premises and Land (Eviction and Rent Recovery) Act. 1971, was issued to Shri Sanjay Kumar S/O Shri Tilak Raj, Near Bus Stand Chail, P.O. Janedghat Tehsil Kandaghat Distt. Solan, H.P. vide No. 2762, dated 22/9/2003, to show cause as to why an order of eviction against him should not be passed in respect of raised unauthorized construction by way of encroachment on Khasra No. 108 measuring 0.00.210 ha. situated in R-18 Sakori, Wildlife Range Sanctuary, Chail, Distt. Solan, H.P.

Whereas, consignment upon the notice, respondent Shri Sanjay Kumar S/O Shri Tilak Raj, Near Bus Stand Chail, P.O. Janedghat Tehsil Kandaghat Distt. Solan, H.P. presented him-self on 16/10/2003, the first date of hearing where he filed the reply of the show cause notice. The copy of the reply filed by the respondent was supplied to the State through Range Forest Officer, Wildlife Range Chail on the same day by this Court. and the State filed the reply of the same on 16/12/2003. The Respondent filed the rejoinder to the reply filed by the State of HP through his advocate Shri R.S.Panwar, on 29/5/2004. The State has also filed the Rejoinder to the reply filed by the respondent on 26/6/2004.

The replies filed by the Respondent and State through Range Forest Officer, Wildlife Range Chail were scrutinized and instituted on the submission of the State and examined in this Court.

From the statements given by PWs Shri Krishan Singh, DR, BO Chail, S/O Shri Viru Ram, Village and PO Bahali, Rampur, Distt. Shimla, Shri(16/10/2004) Ved Parkash, Fgd.I/C Sakori Beat S/O Shri Hari Krishan R/O village Sungal, P.O. Kaithali Ghat, Distt. Solan, H.P.(16/10/2004) Shri Jai Dev, Patwari S/O Shri Geeta Ram,(6/11/2004) Shri Satish Sharma, Forest Ranger,(4/12/2004) Shri Kaka Ram, Kanungo, Solan Forest Division (19/2/2005) Shri Charan Dass Vali, Tehsildar-cum-ASO Forest Settlement, Solan & Sirmour, Solan, HP(24/9/2005), which were also cross examined by the Ld. Advocate of respondent, it emerges that the respondent has encroached upon forest land in khasra No. 108 measuring 0.00.210 ha. situated in R-18 Sakori, Wildlife Sanctuary

Chail, Distt. Solan, HP. Shri Jai Dev Patwari S/O Shri Geeta Ram, Shri Kaka Ram Kanungo stated in their statements that as per the order of DFO WL Shimla they visited the spot on 3/5/2001 and demarcated the land in the presence of Kanungo Settlement, Patwari/Kanungo Forests and Shri Sanjay Kumar, respondent. After fixing the boundary of R-18 Sakori, the possession of Shri Sanjay Kumar was found illegal. Shri Charan Dass Vali, Tehsildar-cum-ASO Forest Settlement, Solan & Sirmour Solan, HP has stated in his statement that on 3/4/2002 he demarcated R-18 Sakori in the presence of Forest officials, Revenue officials, respondent Shri Sanjay Kumar and his hotel's employees and found his possession illegal in R-18-Sakori. He further admitted that the report was prepared by him by his own hand and submitted vide letter No. Fst No. 3 dated 4/4/2002.

From the statements given by Shri Krishan Singh, Dy. Ranger, Block Officer Shri Ved Parkash, Fgd. I/C Sakori beat and Shri Satish Kumar Sharma, (Range Officer, Wildlife Range Chail) S/O late Shri Khushi Ram R/O Village Bhungar Tehsil and Distt. Shimla, HP, which were also cross examined by the Advocate of respondent on 16/10/2004 & 4/12/2004 respectively, it emerged that the respondent has encroached upon forest land in Khasra No. 108 measuring 0.00.210 ha situated in R-18 Sakori, Wildlife Sanctuary Chail, Distt. Solan, HP.

The Statement of Shri Sanjay Kumar S/O Shri Tilak Raj, Near Bus Stand Chail, P.O. Janedghat Tehsil Kandaghat Distt. Solan, H.P (Respondent) has also been recorded by this court on 29/9/2007. The respondent has stated in his statement that prior to his possession the land in question was under the possession of Shri Tara Chand who was a servant of the then Maharaja Patiyala and the land in question was purchased by him from the legal heirs of Shri Tara Chand under proper registered sale deed. This Court heard Shri Sanjeev Sood, FR RO WL Chail for the Prosecution, Prosecution Witnesses (PWs) and Respondent Witnesses (RWs) and have also gone through their statements and the record of this case produced before this court. The following points arose for determination in this case:-

Issue No.1: Whether Shri Sanjay Kumar S/O Shri Tilak Raj, Near Bus Stand Chail, P.O. Janedghat Tehsil Kandaghat Distt. Solan, H.P. is in illegal occupation of said Govt. land in R-18 Sakori Khasra No. 108 to the extent of 0.00.210 or Not?

Issue No.2: Final Order:

For the reasons recorded herein after while examining the points for determination, my findings on the aforesaid points are as under:-

Issue No.1 “Yes”

From the perusal of oral as well as documentary evidences, there is no dispute that the respondent has encroached 0.00.210ha. land of Khasra No.108 in R-18 Sakori which is a part of Chail Wildlife Sanctuary. It is proved on record that the respondent has constructed a Hotel Building in Reserve Forest R-18 Sakori of Chail Wildlife Sanctuary. The PWs & RWs, as well as the documents produced before this court; there is no dispute that the said encroached land in Khasra No. 108 in R-18 Sakori to the extent of 0.00.210 hac is a part of R-18 Sakori. The plea of the respondent that the land/structure in question has been purchased by him through registered sale deeds does not hold good as the scrutiny of the same itself proves that in respect of land/structure purchased by the respondent, there is no mention of any khasra number, as such, is null and void. Further it is clear from the Revenue record that the person, from whom the respondent is claiming to have purchased the said land, was never the owner of the said land. Therefore the plea of the respondent does not hold good in the eyes of law. Therefore it is clearly established that Shri Sanjay Kumar S/O Shri Tilak Raj, Near Bus Stand Chail, P.O. Janedghat Tehsil Kandaghat Distt. Solan, H.P. is in illegal occupation of forest land in R-18 “Sakori” to the extent of 0.00.210 hac in Khasra No. 108 hence Point No. I is established as “yes” against the respondent.

Point No.2 On facts and discussion mentioned in the foregoing paras, it is proved beyond doubt that Shri Sanjay Kumar S/O Shri Tilak Raj, Near Bus Stand Chail, P.O. Janedghat Tehsil Kandaghat Distt. Solan, H.P. is in illegal occupation of Govt. Forests land measuring 0.00.210 ha in Khasra No. 108 of R-18 Sakori. Therefore, in exercise of the powers conferred on me by Sub Section (I) of Section 5 of the Public Permits and Land (Eviction & Rent Recovery) Act., 1971, I hereby order that the said forest land in Khasra No. 108 of R-18 Sakori, measuring 0.00.210ha. and premises and any part thereof be vacated within 30 days from the date of issuance of this order.

A copy of this order be sent to Range Forest Officer, Wild Life Range Chail & the Respondent for further necessary action. 22/12/2007

Case file be consigned to the record room after due completion.

Sd/-

Collector-cum-DFO

**HIMACHAL PRADESH FINANCIAL CORPORATION,
NEW HIMRUS BUILDING, CIRCULAR ROAD,
SHIMLA-171001
(AN ISO 9001:2000 CERTIFIED CORPORATION)**

NOTIFICATION

1st January 2008

No. HPFC/ADMN/2-145/87 .—In exercise of the powers conferred by Section 48 of the State Financial Corporations Act, 1951, the Board of Directors of Himachal Pradesh Financial Corporation, after consultation with the Small Industries Development Bank of India and with the previous sanction of the Himachal Pradesh Government, has approved the following amendments in Regulations-6 of the Himachal Pradesh Financial Corporation Payment of Gratuity to Employees Regulations, 2004. The amended provisions shall be effective from 1st January 2007: -

EXISTING PROVISIONS	AMENDED PROVISIONS
<p>6. Amount admissible:- Without prejudice to the provisions of Regulations 5, the amount of gratuity admissible to a whole-time employee shall be: -</p> <p>“a sum equal to one month's pay plus dearness allowance (D.A) for each completed year of service in the Corporation subject to a maximum of fifteen month's pay or Rs.1,00,000/- whichever is less” or as decided by the Board of the Corporation from time to time.</p>	<p>6. The amount of gratuity will be 1/4th of the emoluments of the employees for each completed 6 monthly period of qualifying service, subject to 16.5 (sixteen and half) times of emoluments provided that in no case the gratuity shall exceed Rs.3.50 lacs. In future also, the gratuity shall be payable to the employees of the Corporation on the pattern of State Government. The provisions of Gratuity Scheme of the State Government under pension Rules and any changes made therein from time to time in future shall be applicable to the employees of the Corporation and Himachal Pradesh Financial Corporation Payment of Gratuity to Employees Regulations, 2004 shall stand amended to that extent.</p> <p>Note: - The term 'Emoluments' for the purpose of calculating Gratuity means as defined in the Government of H.P. Department of Finance (Pension Cell) O.M.No. (Pen) A (3)-1/96-Part-I, Dated 31ST August 1998 or as may be defined by the State Government from time to time.</p>

AJAI BHANDARI,
Managing Director.